



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa2599/1
JEO:kmg:lp

**ASSEMBLY AMENDMENT 1,
TO SENATE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 660**

May 6, 1998 – Offered by Representatives UNDERHEIM, KAUFERT, OWENS, KLUSMAN
and OLSEN.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 1, line 2: delete that line and substitute:

3 “1e. Page 1, line 3: after “offenses,” insert “restrictions on the placement of
4 persons released on parole for certain serious sex offenses and of sexually violent
5 persons who are granted supervised release,”.

6 1m. Page 4, line 7: after that line insert:

7 “**SECTION 4h.** 302.11 (4m) of the statutes is created to read:

8 302.11 (**4m**) An inmate paroled under this section is subject to the restriction
9 under s. 304.06 (2m), if applicable, relating to the counties to which inmates may be
10 paroled.

11 **SECTION 4k.** 304.02 (4m) of the statutes is created to read:

1 304.02 (**4m**) A prisoner paroled under this section is subject to the restriction
2 under s. 304.06 (2m), if applicable, relating to the counties to which prisoners may
3 be paroled.

4 **SECTION 4L.** 304.06 (2m) of the statutes is created to read:

5 304.06 (**2m**) (a) In this subsection, “serious sex offense” means a violation of
6 s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07 or a solicitation,
7 conspiracy or attempt to commit a violation of s. 940.225 (1) or (2), 948.02 (1) or (2),
8 948.025, 948.06 or 948.07.

9 (b) Except as provided in par. (c), no prisoner who is serving a sentence for a
10 serious sex offense may be paroled to any county where there is a correctional
11 institution that has a specialized sex offender treatment program.

12 (c) A prisoner serving a sentence for a serious sex offense may be paroled to a
13 county where there is a correctional institution that has a specialized sex offender
14 treatment program if that county is also the prisoner’s county of residence.

15 (d) The parole commission or the department shall determine a prisoner’s
16 county of residence for the purposes of this subsection by doing all of the following:

17 1. The parole commission or the department shall consider residence as the
18 voluntary concurrence of physical presence with intent to remain in a place of fixed
19 habitation and shall consider physical presence as prima facie evidence of intent to
20 remain.

21 2. The parole commission or the department shall apply the criteria for
22 consideration of residence and physical presence under subd. 1. to the facts that
23 existed on the date that the prisoner committed the serious sex offense that resulted
24 in the sentence the prisoner is serving.”.

25 1s. Page 10, line 20: after that line insert:”.

1 **2.** Page 1, line 7: after that line insert:

2 “**SECTION 8e.** 980.06 (2) (c) of the statutes is amended to read:

3 980.06 **(2)** (c) If the court finds that the person is appropriate for supervised
4 release, the court shall notify the department. The department and the county
5 department under s. 51.42 in the county of residence of the person, as determined
6 under s. 980.105, shall prepare a plan that identifies the treatment and services, if
7 any, that the person will receive in the community. The plan shall address the
8 person’s need, if any, for supervision, counseling, medication, community support
9 services, residential services, vocational services, and alcohol or other drug abuse
10 treatment. The department may contract with a county department, under s. 51.42
11 (3) (aw) 1. d., with another public agency or with a private agency to provide the
12 treatment and services identified in the plan. The plan shall specify who will be
13 responsible for providing the treatment and services identified in the plan. The plan
14 shall be presented to the court for its approval within 21 days after the court finding
15 that the person is appropriate for supervised release, unless the department, county
16 department and person to be released request additional time to develop the plan.
17 If the county department of the person’s county of residence declines to prepare a
18 plan, the department may arrange for another county to prepare the plan if that
19 county agrees to prepare the plan and if the person will be living in that county. If
20 the department is unable to arrange for another county to prepare a plan, the court
21 shall designate a county department to prepare the plan, order the county
22 department to prepare the plan and place the person on supervised release in that
23 county, except that the court may not so designate the county department in the any
24 county where ~~the~~ there is a facility in which the person was persons are detained or

1 evaluated under s. 980.04 or in which persons committed for to institutional care is
2 located under this chapter are placed, unless that county is also the person's county
3 of residence.

4 **SECTION 8f.** 980.08 (5) of the statutes is amended to read:

5 980.08 (5) If the court finds that the person is appropriate for supervised
6 release, the court shall notify the department. The department and the county
7 department under s. 51.42 in the county of residence of the person, as determined
8 under s. 980.105, shall prepare a plan that identifies the treatment and services, if
9 any, that the person will receive in the community. The plan shall address the
10 person's need, if any, for supervision, counseling, medication, community support
11 services, residential services, vocational services, and alcohol or other drug abuse
12 treatment. The department may contract with a county department, under s. 51.42
13 (3) (aw) 1. d., with another public agency or with a private agency to provide the
14 treatment and services identified in the plan. The plan shall specify who will be
15 responsible for providing the treatment and services identified in the plan. The plan
16 shall be presented to the court for its approval within 60 days after the court finding
17 that the person is appropriate for supervised release, unless the department, county
18 department and person to be released request additional time to develop the plan.
19 If the county department of the person's county of residence declines to prepare a
20 plan, the department may arrange for another county to prepare the plan if that
21 county agrees to prepare the plan and if the person will be living in that county. If
22 the department is unable to arrange for another county to prepare a plan, the court
23 shall designate a county department to prepare the plan, order the county
24 department to prepare the plan and place the person on supervised release in that
25 county, except that the court may not so designate the county department in the any

1 county where ~~the~~ there is a facility in which the person was persons committed for
2 to institutional care is located under this chapter are placed unless that county is also
3 the person's county of residence.”.

4 **3.** Page 1, line 8: delete the quotation mark.

5 **4.** Page 2, line 3: after that line insert:

6 “2m. Page 14, line 9: delete lines 9 to 10 and substitute:

7 “(1t) LIFETIME SUPERVISION OF CERTAIN SEX OFFENDERS. The creation of section
8 939.615 of the statutes and the treatment of sections 971.17 (1j) and 973.125 of the
9 statutes first apply to offenses committed on the effective date of this subsection.

10 (1u) RESTRICTIONS ON PLACEMENT OF PAROLEES. The treatment of sections 302.11
11 (4m), 304.02 (4m) and 304.06 (2m) of the statutes first applies to parole releases
12 granted on the effective date of this subsection.”.”.

13 (END)